

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BARBARA DELUCA and DREW R. NAYLOR,
on behalf of themselves and other similarly
situated limited partners,

NOTICE OF MOTION

Plaintiffs,

19-cv-10498 (LAK)

v.

GPB AUTOMOTIVE PORTFOLIO, LP,
GPB HOLDINGS II, LP,
GPB CAPITAL HOLDINGS, LLC,
ASCENDANCY ALTERNATIVE
STRATEGIES, LLC, ASCENDANT
CAPITAL, LLC, AXIOM CAPITAL
MANAGEMENT, INC., DAVID
GENTILE, MARK MARTINO,
JEFFREY LASH, and JEFFREY
SCHNEIDER,

Defendants,

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PLEASE TAKE NOTICE that upon the motion made by Defendant Axiom Capital Management, Inc. ("Axiom") and the facts, arguments and law cited in their Memorandum of Law in Support of Motion to Dismiss Plaintiffs' Complaint, the Declaration of Richard B. Feldman dated January 31, 2020, the Declaration of Alexander Truitt dated January 31, 2020 and the Exhibits annexed thereto, and the Affidavit of Eric Miller dated January 31, 2020, Defendants Mark Martino and Ascendant Alternative Strategies, LLC (sued incorrectly as Ascendancy Alternative Strategies, LLC), will move this Court on a date to be set by the Court, before the Honorable Lewis Kaplan at the United States District Court, Southern District of New York, Daniel Patrick Moynihan, U.S. Courthouse, 500 Pearl Street, Courtroom 17A, New York, New

York, for an order dismissing Plaintiffs' Complaint pursuant to Fed. R. Civ. P. 12(b)(2) and (6), together with such other relief as this court deems appropriate.

Dated: New York, New York
January 31, 2020

By: /s/ Richard F. Feldman
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and Ascendant Alternative Strategies,
LLC.*